

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
Ca. No. 1:13-cv-11896-RWZ

_____)
ELIZABETH R. LEWIS)
)
Plaintiff)
vs.)
)
WELLS FARGO BANK, N.A.)
)
Defendant)
_____)

MOTION FOR CLARIFICATION

The Instant Motion is hereby being respectfully submitted by the undersigned counsel in his current legal capacity as Escrow Agent. Undersigned counsel formerly represented the Plaintiff, which this Court allowed undersigned counsel to Withdraw contemporaneous with its final ruling on Defendant's Motion for Summary Judgment, see Doc #48, #51, and #70.

While this Court's ruling addressed the legal claims as advanced by Plaintiff, respectfully submitted, it did not give the undersigned any direction as to funds that are currently being held in the undersigned counsel's escrow account, as part of the Order issued by the Hon Brassard J., in the Norfolk County Superior Court.

Upon Removal from the Norfolk County Superior Court, hearing was held before this Honorable Court, in which the colloquy between Defendant's counsel and this Court discussed said Order from Brassard, J., and monies being held in escrow, see Transcript attached at Exhibit A. As undersigned counsel never received any countervailing Order from this Court regarding the monies paid into escrow, which at the time of the Norfolk County Superior Court hearing were agreed to be placed in undersigned counsel's IOLTA account, undersigned counsel respectfully requests clarification as how to legally disperse said funds currently held in escrow. The balance of said funds in said account amounts to \$10,000.00.

WHEREFORE, Undersigned counsel, in the current capacity as escrow agent, and custodian, for funds paid into escrow during the course and pendency of the above referenced litigation respectfully requests Clarification from this Court as to how to disperse said finds.

Respectfully Submitted,

/s/Glenn F. Russell, Jr
Glenn F. Russell. Jr.
Glenn F. Russell, Jr.
& Associates, P.C.
38 Rock Street, Suite 12
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(508) 324-4545
BBO# 656914

Dated: August 24, 2015

LOCAL RULE 7.1(A)(2) CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), undersigned counsel, certifies that on August 24, 2015, he attempted to confer with Defendant's counsel by phone call prior to submitting the instant motion, however was unsuccessful in reaching the same, and thereby attempted in good faith to resolve or narrow the issue presented in the instant Motion for Clarification.

_____/s/Glenn F. Russell, Jr.

CERTIFICATE OF SERVICE

I, Glenn F. Russell, Jr., certify that on this the 24TH day of August, 2015, a true and correct copy of the foregoing document was served by way of the ECF/CM system to the registered participants involved in this matter, and further served the Plaintiff by way of email, and USPS postage prepaid a copy of the foregoing document to the named captioned Plaintiff below

David M. Bizar
Seafarth Shaw
World Trade Center East, Suite 300
Boston, MA. 02110

Elizabeth R. Lewis
125 LedgeWood Drive,
Norwood, MA 02062

_____/s/ Glenn F. Russell, Jr.
Glenn F. Russell, Jr.